

RUMSON ZONING BOARD
October 16, 2018
MINUTES

The regularly scheduled meeting was called to order at 7:32 pm with a salute to the flag, followed by a roll call of: Chairman Brodsky, Mrs. Kirkpatrick, Mr. Lizotte, Mrs. Carras, Mr. Blum, Mr. Shissias, Mr. Duddy
Absent: Mr. Torcivia, Mr. Hofferber

Also present: Bernard Reilly, Esq., Fred Andre' and State Shorthand Reporting Services.

The notice requirements of the Open Public Meetings Act were stated as being met.

Chairman Brodsky announced the application of Tina Palmer and Louis Mangiavillano for property located at 1 Center Street be presented to the Board. Louis Mangiavillano the property owner was sworn in and testified before the Board. Mr. Mangiavillano stated that the proposal is to construct a new expanded rear deck to the existing residence. The property is currently non-conforming in several areas and the new construction will create an additional non-conformity with the Rear Setback proposed at 27 feet and 37 feet is required.

After Board questions and discussion Chairman Brodsky opened the application for public comments and/or questions. There being none, the public portion was closed.

Board Members commented that the application is straightforward and is simply to have room for a grill, table and chairs, and easier access to the backyard. After further Board discussion, Chairman Brodsky asked for the pleasure of the Board. Mr. Duddy made a motion to approve the application; Seconded by Mr. Lizotte.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Kirkpatrick, Mr. Lizotte, Mrs. Carras, Mr. Blum, Mr. Shissias, Mr. Duddy

Nays: None

Chairman Brodsky announced the application of Dennis and Sarah Devine for property located at 39 Robin Road be presented for the Board's consideration. Dennis Devine the property owner was sworn in and introduced Michael James Monroe, a New Jersey licensed architect. Mr. Monroe was sworn in and the Board accepted his credentials. Mr. Monroe submitted the following exhibits for the Board's review: A-1 Revised Architectural Plans, Sheet A-1; A-2 Before and after photographs.

Mr. Monroe testified that the proposal is to modify the existing front porch and expand the attached one-car garage to a two-car garage with storage space above, construct a new rear two-story addition and new porch, add a second floor to the existing rear porch. The applicants are also proposing to expand the existing driveway creating a circular driveway. The applicants originally were proposing a second curb cut at the premises, but due to objections from neighboring property owners, that aspect of the proposal has been withdrawn and exhibit A-1

demonstrates the new driveway configuration. Mr. Monroe described the architectural details of the project.

Christine Nazzaro Cofone, a New Jersey licensed planner, was sworn in and the Board accepted her credentials. Ms. Cofone stated that the application is seeking variances for Building Coverage and Floor Area. Ms. Cofone stated that the relief can be granted under Criteria I and Criteria H of the Municipal Land Use Law. Ms. Cofone stated this proposal lends great curb-appeal to the street. Ms. Cofone testified that the benefits of granting the variance relief being sought would outweigh any detriments.

After Board comments and questions, Chairman Brodsky opened the application for public comments and/or questions. Jaime Blalock residing at 13 Blossom Road, was sworn in and addressed the Board. Mr. Blalock stated that he was fully in support of the application. Carl Buch residing at 36 Robin Road was sworn in and addressed the Board. Mr. Buch expressed concern with cars being parked in the front yard.

There being no further public comments and/or questions, Chairman Brodsky closed the public portion and asked the pleasure of the Board. Mr. Shissias made a motion to approve the application as presented; Seconded by Mrs. Carras.

Roll call vote:

Ayes: Chairman Brodsky, Mrs. Kirkpatrick, Mr. Lizotte, Mrs. Carras, Mr. Blum, Mr. Shissias, Mr. Duddy

Nays: None

Chairman Brodsky announced the continued application of Ray and Filomena Gogel for property located at 14 Wilson Circle be presented to the Board. Mr. Reilly recused himself from this application and Richard C. Leahey, Esquire takes his seat as Board Attorney.

Mr. Duddy, Mr. Blum and Mr. Lizotte certified that they read the transcript of the September 18, 2018 meeting and are eligible to participate and vote on the application.

Lawrence W. Luttrell, Esquire, representing the applicants placed his appearance on the record. Michael R. Leckstein, Esquire, representing Mr. and Mrs. Wilt placed his appearance on the record. Ronald S. Gasiorowski, Esquire, representing Mr. and Mrs. Mullins placed his appearance on the record.

Mr. Luttrell recalled Stuart C. Challoner, a New Jersey licensed engineer. Mr. Challoner remains under oath from the 9/18/18 hearing. Mr. Challoner submitted the following exhibits for the Board's review: A-27 Revised exhibit A-25; A-28 Grading Plan. Mr. Challoner described the revisions to the plans and the proposed grading and drainage plans.

Mr. Leckstein argued that the matter was not complete due to the lack of a drainage study of the property. Mr. Leckstein cited the House on Fire case. Mr. Leckstein stated he has a right to have the study available for his engineer to review prior to any action being taken by the Board.

Mr. Leahey advised the objecting attorneys that it was the Board's practice to rely upon the Borough Engineer's review and approval of any grading and drainage plans for applications under consideration.

Mr. Challoner supplied the Board with details regarding the proposed drainage, grading and elevation plans proposed for the application. Mr. Leckstein cross-examined the witness on the elevations on the subject property and his client's property. Mr. Gasiorowski echoed Mr. Leckstein's objections and cross-examined Mr. Challoner.

Mr. Leckstein cross-examined Michael J. Monroe, who remains under oath. Mr. Leckstein submitted exhibit O-1, a February Proposal prepared by Mr. Monroe. Mr. Leckstein questioned Mr. Monroe on exhibit O-1. Mr. Gasiorowski also cross-examined Mr. Monroe.

Mr. Leckstein recalled and cross-examined Christine Nazzaro Cofone, who remains under oath. Mr. Gasiorowski also cross-examined Ms. Cofone.

Mr. Luttrell stated that his presentation is concluded and reserves the right to recall any witnesses, if necessary.

Mr. Leckstein introduced Peter G. Steck, a New Jersey licensed planner, who was sworn in and the Board accepted his credentials. Mr. Steck submitted exhibit O-2, a 3-page Handout for the Board's review.

Mr. Steck does not believe that the applicant has met their burden of proof. Mr. Steck reviewed his three-page handout for the Board's consideration and described the surrounding properties and residences. Mr. Steck testified that once you demolish structures on a property, the slate is wiped clean and the non-conformities do not exist any longer. The hardship is self-inflicted in Mr. Steck's opinion. Mr. Gasiorowski elicited further testimony of Mr. Steck in opposition to the application.

After further Board questions, Chairman Brodsky announced that the application will be carried to the November 20, 2018 meeting without further notice.

Mr. Reilly resumes his seat as the Board Attorney.

Mr. Reilly presented the Resolutions approving the applications of Adam and Rebecca Ferranti for property located at 143 Avenue of Two Rivers and Mark and Patti Casazza for property located at 58 Ridge Road for the Board's consideration. After Board discussion Mrs. Kirkpatrick made a motion approving the Resolutions as drafted; Seconded by Mrs. Carras. Roll call vote:

Ayes: Chairman Brodsky, Mrs. Kirkpatrick, Mrs. Carras, Mr. Shissias

Nays: None

Abstain: Mr. Duddy, Mr. Blum, Mr. Lizotte

Chairman Brodsky asked for comments on the September 18, 2018 Zoning Board Minutes. Mrs. Kirkpatrick made a motion to approve the Minutes as submitted; Seconded by Mrs. Carras. By voice vote the September 18, 2018 Minutes were approved with Mr. Duddy, Mr. Blum and Mr. Lizotte abstaining from the vote.

There being no further business before the Board, the meeting was adjourned at 11:05 p.m.

The next scheduled meeting will be November 20, 2018 at 7:30 p.m.

Respectfully submitted,
Michele MacPherson